

ORIGINAL

OF

EDWARD H. KUBO, JR. 2499  
United States Attorney  
District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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JAN 23 2004  
at 3 o'clock and 44 min. P.M.  
WALTER A.Y.H. CHINN, CLERK

**LODGED**

JAN 26 2004 *ablan*

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

CLERK, U. S. DISTRICT COURT  
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00501 SOM
	)	
Plaintiff,	)	UNITED STATES' MOTION TO
	)	DISMISS COUNT 2 OF INDICTMENT
vs.	)	AND ORDER; CERTIFICATE OF
	)	SERVICE
MICHAEL TORRES JAIMES,	)	
	)	
Defendant.	)	
	)	

UNITED STATES' MOTION TO  
DISMISS COUNT 2 OF INDICTMENT

The United States, through the United States Attorney's Office, move the Court to dismiss Count 2 of the Indictment. The Jury was unable to reach a verdict on Count 2 and the Court granted the defendant's motion to declare a mistrial. The United States submits Count 2 should be dismissed in the interests of justice.

DATED: January 26, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By T. Muehleck  
THOMAS MUEHLECK  
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 03-00501 SOM
	)	
Plaintiff,	)	ORDER
	)	
vs.	)	
	)	
MICHAEL TORRES JAIMES,	)	
	)	
Defendant.	)	
_____	)	

ORDER

Considering the Motion of the United States, Count 2 of  
the Indictment is DISMISSED.

SO ORDERED this 28<sup>th</sup> day of January 2004, at SOM  
Honolulu, Hawaii.

  
\_\_\_\_\_  
SUSAN OKI MOLLWAY  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document  
was duly served upon the following person:

1. Pamela O'Leary Tower, Esq. **MAILED**  
1001 Bishop St., Suite 1330  
Honolulu, HI 96813

Counsel for defendant  
Michael Torres Jaimes

2. U.S. Probation Office  
300 Ala Moana Blvd.,  
Honolulu, HI 96850

DATED: January 26, 2004, at Honolulu, Hawaii.

Romero N. Kay

**See revisions  
made by court**